

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0102-01
Bill No.: HB 582
Subject: Crimes and Punishment; Public Safety
Type: Original
Date: March 7, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(less than \$100,000)	(less than \$100,000)	(less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol, Boone County Sheriff's Department, Jefferson City Police Department** and the **St. Louis Metropolitan Police Department** each assume the proposal will not fiscally impact their respective agencies.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged with stalking with the enhanced penalties. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of the State Courts Administrator (CTS)** stated there is the possibility that the number of cases filed will increase, however, CTS has no way of estimating that increase at this time. CTS states any significant increase in the workload of the courts will be reflected in future budget requests.

Officials from the **Department of Mental Health (DMH)** state that RSMo Section 565.225.9 states that the courts may direct a convicted stalker to undergo mental health evaluation and, if indicated, may order appropriate treatment. The DMH assumes that the cost of evaluation or treatment would accrue to the courts, and therefore, the proposed legislation would have no fiscal impact upon the DMH. However, if the intent of the legislation is that the convicted stalker be referred to the DMH for evaluation and treatment, then the cost to the DMH of any referral would range from \$350 for a basic evaluation to \$144,000 per year for inpatient care. The Department of Mental Health has no means of forecasting how many convicted stalkers might be referred under this statute.

Officials from the **Attorney General's Office** assume any costs incurred because of this legislation could be absorbed with current resources.

Officials from the **Office Prosecution Services** assumes that additional costs incurred from this proposal could be absorbed with existing resources. However, passage of more than one similar bill would create a negative fiscal impact to their agency.

Officials from the **Department of Corrections** assumed this bill enhances the definition of stalking and adds 3 degree levels of the crime, with penalty provisions ranging from a class A misdemeanor through a class A felony, as defined, and specific ones are without eligibility for parole. At present, most offenders convicted of stalking receive probation rather than prison. There were 2 admissions for the crime in FY00 and both received 120-day sentences. There are currently 4 individuals in the prison system. In the proposal, the greatest fiscal impact would be

ASSUMPTION (continued)

for convictions when priors exist. Two offenders in the sentence file showed 3 or more sentences for stalking.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but the unknown impact is not estimated to exceed \$100,000 annually.

Based upon the few number of individuals, per DOC, in the prison system for these offenses, **Oversight** assumes that the cost of conviction, incarceration, evaluation and/or treatment of persons convicted of offenses in this proposal are unknown, but should be less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE			
<u>Costs - supervision, incarceration, evaluation and/or inpatient care of offenders</u>	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
TOTAL ESTIMATED EFFECT TO GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes several changes to the stalking law. In its main provisions, the proposal:

- (1) Adds a definition for "unconsented contact";
- (2) Combines the current crimes of stalking and aggravated stalking renaming it as third degree stalking, expands the scope, and increases the penalty for a third or subsequent offense within 5 years to a class C felony with a mandatory sentence of not less than one year without eligibility for parole;
- (3) Creates the crime of second degree stalking, which is a class D felony for the first offense, a class C felony for the second offense within 5 years, and a class B felony without eligibility for parole for third and subsequent offenses within 5 years;
- (4) Creates the crime of first degree stalking, which is a class C felony for the first offense, a class B felony for the second offense within 5 years, and a class A felony for third and subsequent offenses within 5 years;
- (5) Allows the court to direct a convicted stalker to undergo mental health evaluation and, if indicated, may order appropriate treatment; and
- (6) Requires that a stalking victim who provides a mailing address be notified upon the release of the stalker from custody.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol
Attorney General's Office
Office of the State Public Defender
Office of Prosecution Services
Office of the State Courts Administrator
Department of Mental Health
Jefferson City Police Department
St. Louis Metropolitan Police Department
Boone County Sheriff's Department
Department of Corrections

SOURCES OF INFORMATION (continued)

RAS:LR:OD (12/00)

NOT RESPONDING: Kansas City Police Department; Greene County Sheriff

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director

March 7, 2001